

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ROYSTER,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.


Case No. C08-5321 RJB/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation (Dkt. 3).
- (2) Petitioner's motion to transfer this case to the Eastern District of Pennsylvania (Dkt. 4) is **DENIED**. This case was improperly filed in this court. Petitioner previously filed a habeas corpus action in the United States District Court for the Eastern District of Pennsylvania (*Commonwealth of Pennsylvania v. Royster*, C07-1852JCJ), so it appears that he was aware at the time he filed the instant case of the court with the proper jurisdiction over his case.
- (3) Petitioner's writ of habeas corpus (Dkt. 1) is **DISMISSED**.
- (4) The Clerk is directed to send copies of this Order to Petitioner and to the Hon. Karen L. Strombom.

1 DATED this 20th day of June, 2008.

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4 ROBERT J. BRYAN
United States District Judge